

**UNITED STATES DISTRICT COURT
DISTRICT OF MASSACHUSETTS**

CANDY M. SOUSA, on behalf of herself)
and all others similarly situated,)

Plaintiff,)

v.)

Civil Action No. 3:04-CV-30022 (MAP)

WAVE SYSTEMS CORPORATION,)
JOHN E. BAGALAY, JR., STEVEN K.)
SPRAGUE, and GERARD T. FEENEY,)

Defendants.)

**UNOPPOSED MOTION FOR EXTENSION OF TIME TO FILE AMENDED
COMPLAINT AND FOR MODIFICATION OF SCHEDULING ORDER**

Lead Plaintiffs Anne Brumbaugh, Gary L. Harmon and Randy K. Griffin ("Plaintiffs"), by and through their undersigned counsel of record, respectfully move this Court for an extension of time of seven (7) days in which to file their amended complaint and for a corresponding extension of the other dates in the September 3, 2004 scheduling order (the "Order").

In support of this Motion, the Plaintiffs would respectfully show the following:

1. The Order provided that the plaintiffs file an amended complaint on or before October 15, 2004, and it also set dates for the filing by the Defendants of a motion to dismiss; briefing on the motion to dismiss; and a hearing on the motion to dismiss.
2. Plaintiffs' counsel now find, due to extensive time constraints and commitments, that they need an additional seven (7) days in which to file the amended complaint.
3. Plaintiffs have not previously requested any extensions of this deadline (or anything else in the Order), and Plaintiffs submit that good cause exists for the granting of the

requested extension.

4. Because the other dates and deadlines set forth in the Order are based on the October 15 filing of an amended complaint, this Motion also requests that these other dates be extended by the same seven (7) day period, in order to preserve the same time intervals. Therefore, the modified schedule requested by this Motion would be as follows:

- a) amended complaint due—October 22, 2004
- b) Defendants' motion to dismiss due—December 7, 2004
- c) Opposition to motion to dismiss due—January 21, 2005¹
- d) Any reply in support of the motion to dismiss due—February 15, 2005
- e) Hearing on the motion to dismiss—February 23, 2005 at 2:00 p.m.

WHEREFORE, the Plaintiffs respectfully request that they be granted the seven (7) day extension to file their amended complaint and that the modified schedule proposed herein be adopted by the Court.

CERTIFICATION PURSUANT TO LOCAL RULE 7.1(A)(2)

Undersigned counsel certifies that they have conferred with counsel for Defendants in a good faith effort to resolve or narrow the issues raised by this Motion and that Defendants'

¹ The original deadline in the Order, January 15, is a Saturday, so Plaintiffs' proposed modified schedule extends it seven (7) days from the preceding Friday (January 14).

counsel indicated that they would not oppose this Motion.

Respectfully submitted,

/s/ David Pastor

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